

The salol was alleged to be misbranded in that the statement "Capsules \* \* \* Salol. Each capsule contains 5 grs. Salol," was false and misleading in that the said statement represented that each capsule contained 5 grains of salol; whereas each capsule contained more than 5 grains [namely, 6 grains] of salol.

On September 16, 1937, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$500.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**27910. Misbranding of Trask's Treatment for Constipation, Van Ogden Gargle, and Van Ogden Wonderful Liniment. U. S. v. Western Laboratories, Inc. Plea of nolo contendere. Fine, \$25. (F. & D. No. 39731. Sample Nos. 14623-C, 14625-C, 14626-C.)**

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects; that of the treatment for constipation also bore false and misleading representations that it was wholly vegetable and contained no irritating ingredient, whereas it contained phenolphthalein and strychnine—irritating ingredients, the former of which is not a vegetable substance; the liniment contained chloroform and the label failed to bear a statement of the quantity and proportion of chloroform contained therein.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Western Laboratories, Inc., Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of November 14, 1936, and January 9, 1937, from the State of Illinois into the State of Michigan of quantities of drug preparations which were misbranded. The articles were labeled variously: "Trask's New Treatment for Constipation \* \* \* Guaranteed by Western Laboratories, Chicago"; "Van Ogden Gargle [or "Van Ogden Wonderful Liniment"] \* \* \* Van Ogden, Inc., \* \* \* Chicago."

Analysis showed that the treatment for constipation consisted of tablets containing extracts of plant drugs, phenolphthalein, and strychnine, coated with calcium carbonate and an iron compound; that the gargle consisted essentially of small proportions of potassium chlorate, iron chloride, thymol, and water; and that the liniment consisted essentially of small proportions of methyl salicylate, menthol, capsicum, camphor, chloroform (7 minims per fluid ounce), and mineral oil.

All products were alleged to be misbranded in that the labeling bore certain statements, designs, and devices regarding their curative or therapeutic effects which were false and fraudulent in the following respects: The treatment for constipation was represented to be effective as a relief for biliousness, sick headache, liver complaints, and constipation, as a remedy for the most obstinate cases, as a tonic for the bowels, as a treatment, remedy, and cure for constipation, biliousness, indigestion, torpid liver, stomach trouble, and bad breath, effective to cause a clear, healthy complexion and to produce a clear, healthy skin, to eliminate clogged waste matter, and as a treatment, remedy, and cure for pimples, liver spots, sallowness, bad breath, and poor health; effective to remove the cause of all liver complaints, biliousness, and sick headache; and effective as a tonic for the bowels, and as a treatment, remedy, and cure for habitual constipation. The gargle was represented to be effective as a remedy and cure for sore throat, croup, tonsillitis, hoarseness, sore mouth, aphtha, thrush, and all diseases of a similar nature affecting the mouth and throat of children and adults. The liniment was represented to be effective for the relief of rheumatism and swellings.

The treatment for constipation was alleged to be misbranded further in that the statement "It is purely vegetable, non-irritating," contained in the circular, was false and misleading since it represented that the article consisted wholly of vegetable substances and contained no irritating ingredient; whereas it consisted in part of phenolphthalein, not a vegetable substance, and contained irritating ingredients, namely, phenolphthalein and strychnine. The liniment was alleged to be misbranded further in that it contained chloroform and the label failed to bear a statement of the quantity and proportion contained therein.

On October 28, 1937, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*